

ESTTA Tracking number: **ESTTA451198**

Filing date: **01/13/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Coolmath.com, Inc.		
Entity	Corporation	Citizenship	California
Address	2973 Fairview Road Costa Mesa, CA 92626 UNITED STATES		

Attorney information	Douglas M. Vickery 401 West "A" Suite 1400 San Diego, CA 92101 UNITED STATES dmvsurf@cox.net Phone:619-696-9797		
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Applicant Information

Application No	85239129	Publication date	01/10/2012
Opposition Filing Date	01/13/2012	Opposition Period Ends	02/09/2012
International Registration No.	NONE	International Registration Date	NONE
Applicant	Cuevas, Maria Guadalupe Rodriguez Blvd. Paseo de las Plazas 262 Col. Las Plazas Irapuato, Guanajuato, MEXICO		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Education services, namely, providing classes, seminars, workshops in the fields of mathematics, physics, chemistry, Spanish, foreign languages, reading and learning techniques; training in the fields of mathematics, physics, chemistry, Spanish, foreign languages, reading and learning techniques

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3404699	Application Date	07/02/2007
Registration Date	04/01/2008	Foreign Priority Date	NONE
Word Mark	COOLMATH		

Design Mark	COOLMATH
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2002/06/30 First Use In Commerce: 2002/06/30 A series of books in the field of mathematics education Class 041. First use: First Use: 1997/11/14 First Use In Commerce: 1997/11/14 Computer services, namely, providing on-line website in the field of mathematics and science education; entertainment services, namely, providing on-line computer games in the field of mathematics and science enducation

Attachments	77220347#TMSN.jpeg (1 page)(bytes) Ku Math Opposition.txt (1 page)(1528 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/s/
Name	Douglas M. Vickery
Date	01/13/2012

1. Opposer Coolmath.com, Inc., a California corporation ("Opposer") is the owner of registration number 3404699 for Coolmath ("Registered Trademark").
2. Opposer has made continuous use of the Registered Trademark prior to any actual use of the mark Ku Math (in commerce which may be lawfully regulated by Congress) and prior to the filing of any application for the mark Ku Math. Opposer is currently making use of the Registered Trademark in commerce which may be lawfully regulated by Congress.
3. The Coolmath Registered Trademark and Ku Math which is the subject of application serial number number 85239129 ("Application") are phonetically identical or substantially similar.
4. The goods and services recited in the registration for the Registered Trademark and in the Application are identical or substantially similar and are for use in the same channels of commerce to the same general class of purchasers.
5. Opposer believes that it will be damaged by the registration of Ku Math because Ku Math creates a likelihood of confusion with Opposer's Registered Trademark in that consumers will believe that the services provided by the applicant under the Ku Math mark emanate from the Opposer.
6. Opposer will be damaged by the registration of the Ku Math mark in that the Ku Math mark is confusingly similar to Opposer's Registered Trademark and will cause confusion, cause mistake and deceive.
7. Opposer prays that this opposition be granted and that registration of the Application be denied with prejudice.